

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERRA M. MERCADO,

Defendant.

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Case No. 8:12CR288

ORDER

This case is before the Court on the government's Motion to Revoke Conditions of Release ([filing 36](#)). Hearing was held on February 14, 2013, and the motion was taken under advisement.

The government moves the Court for an order of detention pursuant to [18 U.S.C. § 3143\(a\)\(2\)](#). The government claims the record supports that the defendant, who is currently on Conditions of Release ([filing 18](#)), entered a plea of guilty on December 6, 2012, to a drug crime carrying a penalty of at least ten years and a maximum of life imprisonment, that her plea was accepted and she was found guilty on January 8, 2013, and that sentencing is set for March 22, 2013. The government argues § 3143(a)(2) requires the defendant's detention and, further, that if the Court disagrees with the government's analysis, the defendant should be detained as her release behavior does not merit release pending sentencing.

I find the government's Motion to Revoke Conditions of Release should be denied pursuant to [18 U.S.C. § 3145\(c\)](#). Specifically, I find the defendant is a person subject to detention under § 3143(a)(2), who meets the conditions of release set forth in [18 U.S.C. § 3143\(a\)\(1\)](#), that her release under appropriate conditions (including continuing treatment at Stephen Center's HERO program) is an exceptional reason why detention pending sentencing is not appropriate. I further find that she is not likely to flee or pose a danger to the safety of any other person or community while released.

IT IS ORDERED that the government's Motion to Revoke Conditions of Release ([filing 36](#)) is denied.

A party may object to a magistrate judge's order by filing an "Objection to Magistrate Judge's Order" within 14 days after being served with the order. The objecting party must comply with all requirements of NECrimR 59.2.

DATED February 15, 2013.

BY THE COURT:

**s/ F.A. Gossett, III
United States Magistrate Judge**